

REMARKS

I. Introduction

Claims 1-8, 10-16, and 18-24 are pending. Reconsideration of the pending claims is requested in view of the following explanations.

II. Rejection of Claims 1-3, 10-12, 20 and 21

Claims 1-3, 10-12, 20 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,308,718 (“Brookner”) in view of U.S. Patent No. 6,792,113 (“Ansell”). Applicants respectfully submit that the rejections should be withdrawn for at least the following reasons.

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 1 recites, in relevant parts, “a plurality of modules including a microprocessor and at least one storage module for storing code and data for the microprocessor, at least one of the modules storing a serial number of the at least one module in a non-exchangeable manner; an arrangement for storing a code number, **the code number being obtained as a function of the serial number by using an encryption method**, and for storing information required to calculate the serial number from the code number, . . . wherein **at least**

two of the modules are each identified by a serial number, and the code number is obtained by encrypting a linking of the serial numbers of the at least two of the modules.” Claim 10 recites substantially similar features as the above-recited features of claim 1.

In support of the rejection, the Examiner contends that column 6, lines 5-20 of Ansell discloses a **code number** obtained by **encrypting a linking of the serial numbers of at least two modules**. However, the cited section merely describes a hardware identifier 140 generated as a hash function of the serial numbers of various components of a single client system. As further described in the paragraph beginning on column 9, line 52, **the hardware identifier 140 is not itself encrypted**, but instead is used for encrypting and decrypting a private key. Thus, the hardware identifier 140 does not constitute an **encrypted linking** of serial numbers.

In addition to the above, Brookner describes a process involving encrypting a serial number of a processor-controlled system, transmitting the encrypted serial number from the system to a server, decrypting the encrypted serial number using a public key, and comparing the decrypted serial number to a serial number stored in a record on the server. The Examiner contends that the encrypted serial number constitutes a code number. However, the encrypted serial number is merely transmitted, not stored. In fact, **none of the stored values in Brookner**, e.g., the public key and the stored serial number, **are generated as a function of encrypting the system’s serial number**. Thus, Brookner simply does not teach or suggest a code number according to the limitations of claim 1. In addition, Ansell fails to remedy the above described deficiency of Brookner. Thus, the combination of Brookner and Ansell does not disclose or suggest **a code number obtained as a function of the serial number by using an encryption method**.

For at least the foregoing reasons, claims 1 and 10, as well as dependent claims 2, 3, 11, 12, 20 and 21, are not rendered unpatentable by the combination of Brookner and Ansell. Withdrawal of the obviousness rejection of claims 1-3, 10-12, 20 and 21 is respectfully requested.

III. Rejection of Claims 4-8, 13-16, 18, 19 and 22-24

Claims 4, 5, 13, 14, 23 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Brookner in view of Ansell and U.S. Patent No. 5,771,287 (“Gilley”). Claims

6-8, 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Brookner in view of Ansell and U.S. Patent No. 5,774,544 (“Lee”). Claims 18, 19 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Brookner in view of Ansell and U.S. Patent No. 6,026,293 (“Osborn”).

Claims 4-8 and 22 ultimately depend on claim 1, and claims 13-16, 18 and 19 ultimately depend on claim 10. As noted above, the overall teachings of Brookner and Ansell do not render parent claims 1 and 10 obvious. Furthermore, the secondary Gilley, Lee, and Osborn references do not cure the critical deficiencies of Brookner and Ansell as applied against parent claims 1 and 10. Accordingly, dependent claims 4-8, 13-16, 18, 19 and 22 are not rendered unpatentable by the applied references.

Claim 23 recites, in relevant parts, “an arrangement for storing a code number, **the code number being obtained as a function of the serial number by using an encryption method**, and for storing information required to calculate the serial number from the code number, wherein the microprocessor is adapted to calculate a serial number from the code number on the basis of the information, to compare the calculated serial number to the stored serial number, and to execute or not execute at least part of the code as a function of a result of the comparison, and wherein the information required to calculate the serial number from the code number is stored in a different storage module than the code number, the different storage module being connected to the microprocessor in a non-separable manner.”

As discussed above in reference to the obviousness rejection of claim 1, the combination of Brookner and Ansell does not disclose or suggest **the code number being obtained as a function of the serial number by using an encryption method**. Furthermore, the teachings of Gilley clearly fail to remedy the deficiencies of the combination of Brookner and Ansell as applied against claim 1. Accordingly, claim 23 and dependent claim 24 are not rendered unpatentable by the combination of Brookner, Ansell and Gilley.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that all pending claims 1-8, 10-16, and 18-24 of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully Submitted,
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